

Comments from:
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PUBLIC HEARING
Public Safety and Security Committee
Thursday, February 22, 2011 at Noon.
Room 1D LOB.

To Members of the Public Safety Committee:

I am sending this testimony to you to OPPOSE S.B. No. 1017 AN ACT CONCERNING THE CONSOLIDATION OF THE DEPARTMENT OF EMERGENCY MANAGEMENT AND HOMELAND SECURITY AND THE BOARD OF FIREARMS PERMIT EXAMINERS INTO THE DEPARTMENT OF PUBLIC SAFETY, AND TRANSFERRING RESPONSIBILITY FOR AMUSEMENT PARK OVERSIGHT TO THE DEPARTMENT OF CONSUMER PROTECTION.

I realize that the Governor wishes to consolidate agencies to perhaps save some budget dollars, but **there are some agencies and functions that just should not be combined**, and in this case placing the Board of Firearms Permit Examiners under the Department of Public Safety and subordinating the Board to the State Police would save zero dollars. **ZERO.**

The Board of Firearms Permit Examiners is the place where people aggrieved by denial or revocation of their Permits by police agencies must go for an appeal. This oversight board was established about 40 years ago as an **independent agency** primarily because police were abusing their discretion by formulating their own rules and standards for firearms permits. **We must not re-make that mistake!** If this legislation is adopted, an applicant who is denied a pistol permit would have to appeal to the very body, the Department of Public Safety, which rejected the permit! **There would be no independent unbiased review for the appeals process!** The transfer of this currently independent board will make it harder for law abiding gun owners to obtain pistol permits if they have been revoked or denied without proper cause. This clearly goes against our 2nd amendment rights.

What will happen if this legislation goes through as written, placing the BFPE under the State Police, is that there will be a **total loss of unbiased review of police actions and due process.** **We cannot allow this to happen!** The State Police would even be able to rewrite the board's regulations, the rules that govern the board's policies and procedures! This will be very problematic because we have seen in the past that some police prefer not to issue permits to civilians and clearly regard the board as an adversary. So how could you place this appeals board in their control? It would be like putting the fox in charge of the hen house! There exists already an adversarial relationship between some current BFPE members and the State police, and a member of the board has even sued the State Police in Federal court in connection with his own permit. It is well understood that many police regard BFPE as a nuisance. They would like to see it dismantled. Combining these entities will be the first step in a complete elimination, or neutering, of the oversight board. **For citizens to get a fair appeals process this type of consolidation is unacceptable.**

Please understand that this legislation would lead to a reduction in, if not an elimination of, the inherent fairness of the Board's operating principles which was specifically put in place by the legislature to function as a Civilian Review Board. The Board of Firearms Permit Examiners, must remain an independent autonomous body, free from oversight and control of the DPS or the State Police, where citizens can get a fair and impartial hearing. **Please Kill this bill or remove this portion of this Governor's bill if you must pass this bill through committee.**

Thank You For Your Time,
Judy Aron